

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 9, 2005**

DIVISION ONE

B181864 People (Not for Publication)  
v.  
Rodney C.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Rothschild, J.

DIVISION TWO

[illegible]

Appellant's conviction of possessing an assault weapon is reversed, the stayed sentences pursuant to section 667.5, subdivisions (a) and (b) in counts 1, 2, 5 and 6 are dismissed, the sentence on counts 1, 2 and 6 are modified to reflect indeterminate sentences on each of 25 years to life, plus determinate sentences of 15 years, for aggregate sentences of 40 years to life. The judgment is otherwise affirmed. Upon remand, the trial court is instructed to amend the abstract of judgment to reflect these changes.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Suzukawa, J. (Assigned)

November 9, 2005 (Continued)

## DIVISION TWO (Continued)

B176209 People (Not for Publication)  
v.  
Martinez

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Suzukawa, J. (Assigned)

B179880 People (Not for Publication)  
v.  
Allen

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Doi Todd, J.

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

November 9, 2005 (Continued)

## DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                  Doi Todd, J.

B179900 People v. Velasquez (Not for Publication)

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The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Doi Todd, J.

B179149      DCFS      (Not for Publication)  
v.  
Marisol P.

The juvenile court order terminating parental rights is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

November 9, 2005 (Continued)

## DIVISION TWO (Continued)

B181613      DCFS      (Not for Publication)  
v.  
Kylah R.

The juvenile court's order granting Jacqueline's motion for de facto parent status is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Doi Todd, J.

B176719 Walker (Not for Publication)  
v.  
Allstate Insurance Company

The judgment is reversed. Walker to recover costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

### DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B181050	People v. Mark S.
B178484	People v. Donte H.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B179447     J&F Investments, LLC et al.  
              v.  
              Deutsch

Merits:

Argued by William L. Nelson for appellant and by Aviv L. Tuchman for respondents. Cause submitted.

B176121     Canon Partnership  
              v.  
              Rofeh

Merits:

Argued by Robert Scapa for appellant and by Howard Rubin for respondent. Cause submitted.

B180039     Camizzi, et al.  
              v.  
              PRC-DE Soto International, Inc.

Merits:

Argued by Ralph Metzger for appellants and by Melinda Cantrall for respondent. Cause submitted.

B173000     County of Los Angeles  
              v.  
              Atlantic Richfield Company

Merits:

Argued by Albert Ramseyer, Deputy County Counsel for appellant and by Richard Ayooob for respondent. Cause submitted.

Court recessed at 11:30 a.m.

November 9, 2005 (Continued)

DIVISION THREE (Continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B178313      People v. Dixon

B180802      People v. Langston

Argument waived, cause submitted.

B180150      Denman

v.

Denman

Merits:

Argued by Michael Oddenino for appellant and by Gregory Jones for respondent. Cause submitted.

B180011      People

v.

Brandon L.

Merits:

Argued by Lynette Moore for appellant and by Ana R. Duarte, Deputy Attorney General for respondent. Cause submitted.

Court adjourned.

DIVISION FOUR

B179667      Galdjie      (Not for Publication)  
v.  
Darwish et al.

The order denying the motion to vacate the judgment and dismiss the action is affirmed.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

B180199 Ultimate Experience, USA, et al. (Not for Publication)  
v.  
Raging Waters Group, et al.

The judgment is reversed as to Castle Park, and affirmed as to Lesser, Dana and Conquest. Plaintiff Ultimate is to have its costs on appeal.

Epstein, P.J.

We concur: Curry, J.  
Willhite, J.

B174531 People (Not for Publication)  
v.  
Jaffe

The judgment of conviction is affirmed.

Epstein, P.J.

We concur: Curry, J.  
Willhite, J.

DIVISION FOUR (Continued)

B174455     Viola et al.  
              v.  
              State of California Department of Managed Health Care, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B171490     People  
              v.  
              Darrin Berry

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B178129     Alexander-Koger v. State Farm Fire & Casualty  
B179465     Heydari v. State Farm Fire & Casualty

Argument continued to 1:30 p.m.

B183348     Human Services Agency  
              v.  
              Kimberly S.

Merits:  
Argued by Oliver Hess, Assistant County Counsel for respondent.  
Argument previously waived by appellant. Cause submitted.



DIVISION SIX (Continued)

B177435     People  
              v.  
              Ranger Insurance Co.

Merits:  
Argued by Brendan Pegg for appellant and by Joseph J. Randazzo,  
Assistant County Counsel, for respondent. Cause submitted.

B178826     Southern California Edison  
              v.  
              HPS Mechanical, Inc.

Merits:  
Argued by Robert D. Brugge for appellant and by Richard D. Arko for  
respondent. Cause submitted.

B176757     Lee  
              v.  
              Fick

Merits:  
Argued by Corinne Coleman Bertsche for appellants/cross-respondents and  
by Wendy C. Lascher for respondent/cross-appellant. Cause submitted.

B178096     Spooner  
              v.  
              City of Grover Beach

Merits:  
Argued by Nathan Spooner, appellant, appearing in propria persona, and by  
Neil S. Tardiff for respondents. Cause submitted.

November 9, 2005 (Continued)

DIVISION SIX (Continued)

B174671     Gorlin  
              v.  
              Jacobson

Merits:  
Argued by Scott B. Whiteneck for appellant/respondent Gorlin and by  
Elaine K. Fresch for appellant/respondent Jacobson. Cause submitted.

Gilbert, P.J. left the bench.

B174799     Lopez  
              v.  
              Peoples Self-Help Housing Corp.

Merits:  
Argued by Joseph R. Zamora for appellants and by Lisa Shyer for  
respondents. Cause submitted.

Court recessed at 11:35 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B178273     Nancy S. v. Bernadette M.  
B179955     Spaethe v. Barlow

Argument continued December, 2005.

Each of the following:

B178241     Child Welfare Services v. Lindsay B. (Michael D.)  
B183915     Dept. of Social Services v. Frances M.

Argument waived; cause submitted.

DIVISION SIX (Continued)

B181318      Knoche-Noailly  
                 v.  
                 Manthie

Merits:  
Argument previously waived by appellant and argued by Ronald Patrick Burd for respondent. Cause submitted.

B178611      Vanderveen  
                 v.  
                 City of Arroyo Grande

Merits:  
Argued by William S. Walter for appellant and by John A. Ramirez for respondents. Cause submitted.

Perren, J. left the bench.

B180838      Marriage  
                 of  
                 O'Neill

Merits:  
Argued by Steve Pell for appellant and by Patrick G. Cherry for respondent. Cause submitted.

B179019      Caro  
                 v.  
                 State Farm

Merits:  
Argued by Steven L. Zelig for appellant and by Clarke B. Holland for respondent. Cause submitted.

DIVISION SIX (Continued)

B178129     Alexander-Koger  
               v.  
               State Farm Fire & Casualty

Merits:  
Argued by Jeffery D. Diamond for appellant and by Clarke B. Holland for respondents. Cause submitted.

B179465     Heydari  
               v.  
               State Farm fire & Casualty

Merits:  
Argued by Jeffrey D. Diamond for appellants and by Edwin B. Brown for respondent. Cause submitted.

Court adjourned.

B182790     Kindred  
               v.  
               LaBossiere

Filed order denying petition for rehearing.